

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| In the Matter of: | : | CIVIL ACTION |
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| VIVIAN RODRIQUEZ | : | NO. 02-04067 |
| | : | Appeal from |
| | : | BANKRUPTCY NO. 02-13384 |

ORDER

AND NOW, this _____ day of October, 2002, upon consideration of Brief of Appellant, Earthstar Bank (Docket No. 3), and it appearing that Appellee has not filed any opposition to said Brief, and it further appearing that on October 15, 2002, the Bankruptcy Court entered an Order dismissing Bankruptcy Case No. 02-13384, and it further appearing that a timely notice of appeal has not been filed in response to the Bankruptcy Court's dismissal, it is hereby ORDERED that the above-captioned appeal is DISMISSED as moot.¹

IT IS SO ORDERED.

BY THE COURT:

R. Barclay Surrick, Judge

¹The above-captioned case appeals the Order of the Bankruptcy Court in Bankruptcy No. 02-13384, which denied the Motion of Earthstar Bank for Relief from the Automatic Stay Pursuant to 11 U.S.C. §§ 362(d) and (e).